

Public Service Grievance Board

ANNUAL REPORT

2009-2010

MESSAGE FROM THE CHAIR

I am pleased to report that the Public Service Grievance Board carried out its mandate in an efficient and cost effective manner during the fiscal year 2009-2010. This mandate is to provide independent dispute resolution services (mediation, mediation/arbitration, and arbitration) for the resolution of employment disputes involving certain members of the Ontario Public Service who are not covered by a collective agreement and their government employers.

The Public Service Grievance Board is an independent labour relations tribunal that exercises the powers and duties conferred upon it by the Public Service of Ontario Act, 2006, and O. Reg. 387/07. The Board's goal is to encourage harmonious relations within the Ontario Public Service by dealing with the disputes brought before it in a fair, impartial, and expeditious manner. I can report that the Board achieved this goal through the combined efforts of the Board's members and its very capable staff.

The Board's two Vice- Chairs, Deborah Leighton and Kathleen O'Neil, serve the Board on a part-time basis. Like the Chair, they are professional labour relations adjudicators who bring to the Board extensive experience in the broader labour relations community. Their skill, experience, and professionalism greatly contribute to the effectiveness of the Board as an independent dispute settlement agency. I am very grateful for their strong and continuing commitment to the Board.

The Board's administrative staff is led by Caroline Goodwin, the Board's Secretary. As a part-time Chair, I am very much in her debt, and in the debt of her capable staff, for the impressive efficiency with which the Board is run. Their work is essential to fulfilling the Board's responsibility to be administratively accountable within the larger structure of government. Through their efforts the Board has been able to meet its administrative responsibilities in a timely, responsible, and cost effective manner.

Donald D. Carter
Chair, Public Service Grievance Board
May, 2010

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1. PSGB MANDATE

The Public Service Grievance Board (PSGB) is an independent adjudicative tribunal that exercises the powers and duties conferred upon it by the Public Service of Ontario Act, 2006, and O. Reg. 387/07. The PSGB is classed as an adjudicative agency accountable to the legislature through the Chair of Management Board of Cabinet. The overall objective of the Board is to provide dispute resolution services between certain management/excluded crown employees and the government as their employer.

The adjudicative independence and neutrality of the PSGB is preserved by its physical location - it is separated from government agencies other than its co-tribunal the Grievance Settlement Board (GSB), and by the fact that the members of the PSGB are labour relations mediators/adjudicators who are prominent and well respected in the broader labour relations community. The Board's Chair and its two Vice-Chairs bring to it extensive experience in both mediation and adjudication. When third party intervention is needed, the Board provides mediation or, in the alternative, an expeditious process of adjudication.

2. HUMAN RESOURCES

LIST OF APPOINTEES – PUBLIC SERVICE GRIEVANCE BOARD

<u>NAME</u>	<u>OIC APPOINTMENT</u>	<u>INITIAL APPOINTMENT</u>	<u>EXPIRY DATE OF CURRENT APPOINTMENT</u>
Donald Carter	Chairperson	01-Dec-2002	30-Nov-2011
Deborah Leighton	Vice-Chair	25-Sept-1992	30-Jul-2013
Kathleen O'Neil	Vice-Chair	18-Feb-2004	17-Feb-2012

ORDER IN COUNCIL APPOINTMENTS

CHAIR

DONALD CARTER

Donald Carter is a full-time arbitrator and mediator. From 1993 to 1998 he served as Dean of Law at Queen's University, and from 1985 to 1990 he was Director of the Queen's University Industrial Relations Centre/School of Industrial Relations. He has also served as President of the Canadian Industrial Relations Association (1991-92) and as Chair of the Ontario Labour Relations Board (1976-79). He is currently an editor of Labour Arbitration Xpress.

VICE CHAIRS

DEBORAH LEIGHTON

Deborah J.D. Leighton, B.A. (Law, Oxford), L.L.M, J.D., is an Adjunct Professor in the School of Policy Studies at Queen's University. There she teaches courses in labour and employment law, human rights, arbitration and mediation. Her private practice includes mediations and arbitrations of commercial and labour disputes. Ms. Leighton is named as a mediator/arbitrator in numerous collective agreements, including Air Canada and ACPA's collective agreement and AGO and OPSEU's collective agreement. She is also a Vice Chair of the Grievance Settlement Board, and has served as an adjudicator for the Ontario Human Rights Tribunal (1992-98). Ms. Leighton is a member of the Florida Bar and the Law Society of Upper Canada.

KATHLEEN O'NEIL

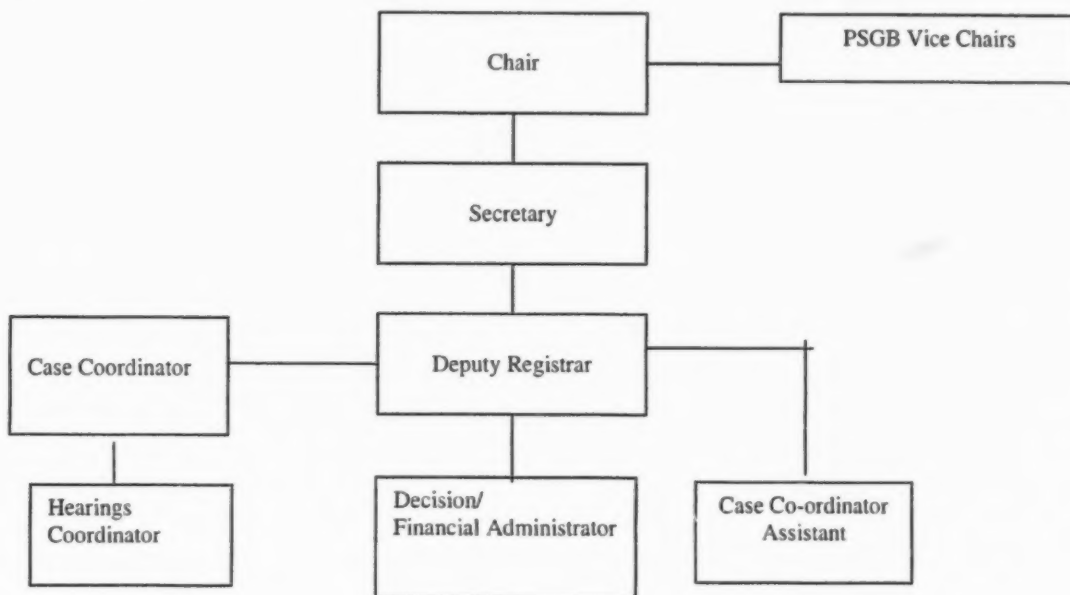
Kathleen G. O'Neil brings over twenty years of experience as an adjudicator to her position as Vice Chair, Ontario Public Service Grievance Board. She previously served as Vice Chair of the Ontario Labour Relations Board (1988 to 1997), and of the Workers' Compensation Appeals Tribunal (1986 to 1988). Since 1997, she has been active in her private practice as a mediator and arbitrator dealing with grievances under Ontario and federal labour statutes, as well as a mediator in a wide variety of matters including human rights, employment related disputes, and general civil litigation. Admitted to the Bar of Ontario in 1979, she holds a B.A. from the University of Toronto and an LL.B. from Osgoode Hall Law School.

THE SECRETARY

CAROLINE GOODWIN

Caroline has in excess of 20 years experience as an administrator in the labour relations field. Caroline commenced her OPS career with the Grievance Settlement Board and has demonstrated her skills and knowledge in positions of progressive responsibility. She has broadened her horizons through secondments with the Ministry of Labour, Finance and Administration Branch; Human Rights Tribunal of Ontario and the Pay Equity Hearings Tribunal.

Organizational Chart – PSGB



3. OVERVIEW OF ACTIVITIES

PSGB Mission Statement

To provide appropriate dispute resolution services to management/excluded employees and their employers in a fair, impartial and expeditious manner and promote harmonious labour relations in the Ontario Public Service.

Overview of Programs and Activities

The PSGB is comprised of a part-time Chair and two part-time Vice Chairs. These three members of the PSGB bring to it extensive experience as both labour mediators and arbitrators.

The administrative functions of the PSGB are performed by a full-time administrative staff under the direction of the Board's Secretary. If you wish to use the PSGB's dispute resolution services, your first point of contact will be with its administrative staff.

Mediation is usually the first step in the PSGB's dispute resolution process once a complaint has been filed with the tribunal. A confidential mediation session provides the opportunity for grievors and their employer to resolve complaints in an expeditious and informal manner. A large proportion of complaints are now successfully resolved through the PSGB's mediation process.

If a complaint cannot be resolved through mediation, it is then scheduled for a full adjudicative hearing. At these hearings, evidence and arguments are presented in a more formal manner. A member of the PSGB will preside over the hearing, deal with procedural and evidential issues, listen to the evidence and argument, and then prepare a written decision. In more complicated cases the hearing could take longer than one day.

It can be seen from this overview that the PSGB makes available to grievors and their employer both mediation and adjudicative services. Regardless of which process is followed, however, it is always the primary concern of the PSGB that complaints be resolved in a fair, impartial, and expeditious manner.

A highlight of the past fiscal year was a conference held jointly by the GSB and PSGB on February 25, 2010, on the topic of diversity. Attendees included representative of our parties, their counsel, and Vice Chairs. Speakers included academics, labour relations counsel and Vice Chairs of both Boards. The purpose of the conference was to engage the parties in discussions of best practices and emerging trends, in order to facilitate the creation of the best possible environment for dispute resolution in the relationships that we serve. The conference was filled to capacity and very positively reviewed by attendees. Once again the PSGB and GSB staff took on the organization of this event and their hard work reflected in the superb organization and smooth functioning of all aspects of this event.

The Board again, improved access through the website by providing fillable application forms in pdf.

4. PSGB CASES 2009-2010

PSGB Caseload 2009/2010																							
Active Cases as at March 31, 2009	91																						
Cases filed in fiscal 2009/2010	39																						
Cases re-opened/input in Case Management System		130																					
Total Active Cases																							
Cases Disposed of:																							
By Decision	49																						
Settled	49																						
Withdrawn	11																						
Dismissed Without Hearing	4																						
Duplicate File	0																						
Board Order	0																						
Total Cases Disposed		113																					
Active Cases at March 31, 2010 *																							
		17																					
<table border="1"> <tr> <td colspan="3">* Active Inventory</td></tr> <tr> <td>To Be Scheduled</td><td>2</td><td></td></tr> <tr> <td>Schedule Continuation</td><td>2</td><td></td></tr> <tr> <td>Scheduled</td><td>9</td><td></td></tr> <tr> <td>Decision Pending</td><td>3</td><td></td></tr> <tr> <td>Settlement Pending</td><td>0</td><td></td></tr> <tr> <td>Adjourned Sine Die</td><td>1</td><td></td></tr> </table>			* Active Inventory			To Be Scheduled	2		Schedule Continuation	2		Scheduled	9		Decision Pending	3		Settlement Pending	0		Adjourned Sine Die	1	
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Adjourned Sine Die	1																						

5. FINANCIAL INFORMATION

The Public Service Grievance Board receives its funds through an allocation from the Grievance Settlement Board, which is funded as a budget item of the Ministry of Labour. Expenditures made on behalf of the PSGB are recovered from the Employer and refunded to the Grievance Settlement Board.

The PSGB charges the Employer a \$300 filing fee for each grievance filed at the Board along with the Chair's per diem, administrative, and travel costs.

The attributable costs reflect those costs incurred by the Employer that are directly related to the hearing of a particular case, as well as the cost of using a hearing room at the Board.

Public Service Grievance Board - Costs Per Fiscal Year

	2006-07	2007-08	2008-09	2009-10
Chair Remuneration	40,000.00	40,000.00	40,000.00	61,974.50
Chair Administrative and Travel Costs	818.63	1,420.75	487.10	314.26
Administrative/Filing Fees (# of cases filed x \$300)	18,000.00	22,800.00	22,800.00	12,900.00
Attributable Costs	71,210.48	80,906.97	49,669.60	75,818.73
Hearing Rooms at the Board *	2,300.00	10,500.00	8,400.00	9,750.00
Total:	\$ 132,329.11	\$ 155,627.72	\$ 121,356.70	\$ 160,757.49
Number of Cases filed - BILLED	60	76	77	39
Number of Cases Filed **	58	78	78	39

* Effective April 1, 2007 Hearing room charges increased, from \$100 per room to \$150 per room

2008-2009 one file not billed opened & closed same month as duplicate filed

** Difference between # of Cases filed and billed is due to shorter cut off time for March Year End billings. Therefore grievances filed after cut off are billed in next fiscal year.

6. PERFORMANCE MEASURES

Public Service Grievance Board			
Measure	Target	2009-10 Achievements	2009-2010 Commitments
Elapsed time to acknowledge receipt of grievance	100% of grievances received to be acknowledged within 30 days.	100% of grievances received were acknowledged within 30 days.	100% of grievances received to be acknowledged within 30 days.
Elapsed time from receipt of Application Form to offering dates	100% of grievances will be offered dates for scheduling within 30 days of receipt of Application Form.	100% of grievances were offered dates for scheduling within 30 days of receipt of Application Form.	100% of grievances will be offered dates for scheduling within 30 days of receipt of Application Form.
Percent of grievances disposed of by settlement or withdrawn	50% of grievances disposed of by settlement or withdrawn	55% of grievances disposed of by settlement or withdrawn	50% of grievances disposed of by settlement or withdrawn
Timeliness of decisions released by the PSGB	Achieve 80% of decisions released within 90 days of completion of hearing	46% of decisions were released within 90 days of completion of hearing***	Achieve 80% of decisions released within 90 days of completion of hearing
Percent of judicial reviews upheld	100% of decisions upheld on judicial review.	No decisions were brought before the courts for judicial review.	100% of decisions upheld on judicial reviews

***THE PSGB DURING THIS PERIOD WAS FACED WITH UNUSUALLY COMPLEX CASES WHICH REQUIRED LONGER DELIBERATION.

